

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

FILED

SEP 25 2013

Clerk, U.S. District Court
District Of Montana
Missoula

JEREMY C. WOODS,

Plaintiff,

vs.

CROSSROADS CORRECTIONAL
CENTER, MARTIN FRINK,
WARDEN, et al.,

Defendants.

Cause No. CV 13-00068-DWM-RKS

ORDER

Plaintiff Jeremy Woods has filed a Motion for Preliminary Injunction and/or Protective Order. Dkt. 11. Woods seeks an Order from this Court prohibiting Defendants and the Montana Department of Corrections from transferring him from Crossroads Correctional Center. The motion will be denied.

Federal courts are courts of limited jurisdiction, and as a preliminary matter, the court must have before it an actual case or controversy. City of Los Angeles v. Lyons, 461 U.S. 95, 102 (1983); Jones v. City of Los Angeles, 444 F.3d 1118, 1126 (9th Cir. 2006). If the court does not have an actual case or controversy before it, it has no power to hear the matter in question. Id.

This action is proceeding against Defendants for allegedly failing to protect Woods from an assault in August 11, 2012. The relief sought in Woods' motion

does not relate to and would not remedy the claims upon which this action is based. Thus, the Court lacks jurisdiction to issue the order sought by Woods.

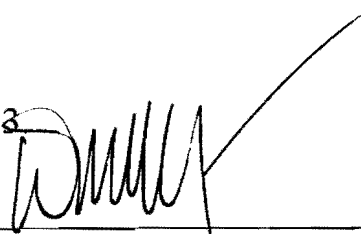
In addition, as a general rule courts are unable to issue orders against individuals who are not parties to a suit pending before it. Zenith Radio Corp. v. Hazeltine Research, Inc., 395 U.S. 100 (1969); Zepeda v. United States Immigration Service, 753 F.2d 719, 727 (9th Cir. 1985) (“A federal court may issue an injunction if it has personal jurisdiction over the parties and subject matter jurisdiction over the claim; it may not attempt to determine the rights of persons not before the court.”).

Woods acknowledges in his brief that the Montana Department of Corrections, not Crossroads or any of the other named Defendants, makes the decision when and whether to transfer Woods to a different correctional institution. Dkt. 12, p. 2, ¶ 7. The Montana Department of Corrections is not a party to this action and the Court is unable to issue an order against them in this case.

IT IS ORDERED that:

Woods’s Motion for Preliminary Injunction and/or Protective Order (Dkt. 11) is denied.

DATED this 25th day of September, 2013



Donald W. Molloy, District Judge
United States District Court